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*Attorneys for Plaintiff and  
others similarly situated*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHELLE HERRERA, individually, and on )	
behalf others similarly situated, )	Case No.: 2:13-cv-00908-MMD-PAL
)	
Plaintiff, )	
)	
vs. )	
)	<b>PLAINTIFF'S STATUS REPORT</b>
ALLSTATE FIRE AND CASUALTY) )	
INSURANCE COMPANY; ALLSTATE) )	
INDEMNITY COMPANY; ALLSTATE) )	
INSURANCE COMPANY; ALLSTATE) )	
PROPERTY & CASUALTY COMPANY;) )	
ALLSTATE VEHICLE AND PROPERTY) )	
INSURANCE COMPANY; and DOES I – V) )	
and ROES VI – X, inclusive; )	
)	
Defendants. )	

COMES NOW Plaintiff, Michelle Herrera (hereinafter “Herrera”), on behalf of herself and others similarly situated, by and through her counsel of record, and in accordance with this court’s Order [Docket #20], Plaintiff hereby submits the following status report:

1 Plaintiff and Allstate have conferred by telephone regarding the scheduling and planning  
2 related to the appraisal process. The parties disagree regarding the preliminary steps to set up the  
3 appraisal process. Plaintiff's Allstate policy provides as follows:

4  
5 **Right of Appraisal**

6 Both **you** and **we** have a right to demand an appraisal of the loss. Each will  
7 appoint and pay a qualified appraiser. Other appraisal expense will be shared  
8 equally. The two appraisers, or a judge of a court of record, will choose an  
9 umpire. Each appraiser will state the actual cash value and the amount of loss. If  
10 they disagree, they'll submit their differences to the umpire. A written decision  
11 by any two of these three persons will determine the amount of the loss.  
12

13 Plaintiff has chosen their appraiser. Allstate has not yet chosen their appraiser. Plaintiff  
14 has suggested to defendant that the deadline for the selection of their appraiser be set for two  
15 weeks. Plaintiff has requested a deadline for the selection of the umpire and a deadline for the  
16 appraisal hearing. Plaintiff proposes that the appraisal reports of both appraisers be exchanged  
17 three weeks prior to the appraisal hearing with the umpire.

18 Parenthetically, Plaintiff has requested that the parties agree that the methodologies to be  
19 employed by the appraisers comport with NAC 686A.680(1)(b)(1). In this way, the appraisers  
20 and the umpire will be employing total loss methodologies that are compliant with NAC  
21 686A.680(1)(b)(1), which provides, "(1) The cost of two or more comparable automobiles in the  
22 local market area which are currently available or were available within the most previous 90  
23 days to consumers in the local market area."

24 Allstate disagrees with Plaintiff's position and has suggested that the appraisal  
25 methodologies be left entirely to the discretion of the appraisers. Plaintiff asserts that the legal  
26 standard for the appraisal methodology, the central issue in this litigation, is a question for the  
27 Court.  
28

1       The parties have agreed to meet and confer on these topics and report back to the Court  
2 within the next thirty (30) days. Plaintiff anticipates that the intervention of the Court will likely  
3 be necessary to resolve the deadlines and appropriate evaluation methodology.

4  
5       DATED this 4<sup>th</sup> day of February, 2014.

6                                   JESSE SBAIH & ASSOCIATES, LTD.

7                                   /s/: Jesse Sbaih, Esq.  
8                                   JESSE SBAIH, ESQ.  
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**CERTIFICATE OF SERVICE**

Pursuant to FRCP Rule 5(b), I certify I am an employee of the law firm of Jesse Sbaih & Associates, Ltd., and that on this date, I caused **PLAINTIFF'S STATUS REPORT** to be served via electronic service to the following:

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DATED this 4<sup>th</sup> day of February, 2014.

/s/ Jennifer Herald  
An employee of Jesse Sbaih & Associates